GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Dept., – Allegation of corruption against Sri M.Mahaboob Basha, (f) constable, Mahanandi Police Station, Kurnool District - Entrusted to TDP – Charge Proved - Punishment of dismissed from service imposed – Orders of Hon'ble High Court in WP No.10517/2005, dated 23.07.2020 – Decided to implement the orders of Hobn'ble High Court of AP – Cancellation of Dismissal orders and release of all consequential benefits –Orders – Issued

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HOME (SC.A) DEPARTMENT

G.O.Ms.No.62,

Dated:04.05.2022.

Read the following:

1. The Director General, ACB, AP, Lr.No.156/RCT-KUR/96, dt.13.11.1997.
2. Govt. Letter No.30/SC.A-3/1997-8, dt.06.04.1998.
3. From Tribunal for Disciplinary Proceedings in TEC No. 22/1998, dt.24.04.2000
4. G.O.Ms.No.46, Home(SC.A) Dept., dt.24.02.2001.
5. High Court order dated 23.07.2020 in WP No.10517/2005 filed by Sri M.Mahaboob Basha, constable, (f) Mahanandi PS, Kurnool District.
6. From the Hon'ble High Court Show Cause Notice in C.C. No.1084/2021, dt.17.09.2021.
7. Govt. Memo.No.40/SC.A/A2/2020, dt.11.10.2021.
8. From GP for Service-I, Home Dept., Hon'ble High Court of A.P., Amaravati, Lr.CC.No.1084/2021/NAN/SER.I/HC, dt.22.04.2022.

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ORDER:-

Based on the recommendation of Director General, Anti Corruption Bureau, AP in the reference 1st read above, the case of AO.1 Sri M.A.Majeed, SI of Police, (f) III Town, Nandyal PS, Kurnool District and A.O.2 Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District have been entrusted to TDP vide Letter No.30/SC.A-3/1997-8, dt.06-04-1998 on the allegation of corruption.

2. In the reference 3rd read above, the Tribunal for Disciplinary Proceedings in TEC No. 22/1998, dated 24-04-2000 has reported that "the Charged Officer (Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District) is found guilty of the charge framed against him in the meaning of Rule 2(b) of A.P. Civil Services(Disciplinary Proceedings Tribunal) Rules, 1989 framed under the APCS(Disciplinary Proceedings Tribunal) Act, 1960 as amended by the APCS(Disciplinary Proceedings Tribunal) Act, 1993.

3. In the reference 4th read above, based on the report of TDP in TEC No. No.22/1998, and after following the due procedure, Government have issued orders for imposing the punishment of "Dismissal from Service" against Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District vide G.O.Ms.No. 46, Home(SC.A) Dept., dt.24.02.2001.

4. Aggrieved by the above orders, Sri M.Mahaboob Basha, Constable, has filed O.A and the APAT in its orders dated 02.05.2003 in OA No. 2549 of 2002 has ordered that "the OA is held as devoid of merits and accordingly **dismissed**.

5. Aggrieved by the above orders, Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District has filed WP. The Hon'ble High Court of A.P., in its judgment dt:23.07.2020 in WP No.10517/2005 has ordered as follows:

"The WP is allowed, setting aside the orders of APAT in OA No.2549 of 2002, dated:2.5.2003 and orders of punishment passed by the State Govt. vide G.O.Ms.No.46, Home(SC.A) dept.,dt:24.2.2001 concurring with the views

expressed by the TDP in Enquiry Case No.22 of 1998 and consequential orders of the Dy.IGP, Kurnool dated:24.4.2001, and consequently the respondents are directed to extend to the petitioner all the consequential benefits including seniority, periodical promotions and pay all the back wages to the petitioner. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

6. In the meantime, the above petitioner has filed the contempt case No.1084/2021 for non implementation of the orders of the Hon'ble High Court of A.P. in the above WP. A Review Petition in WP No.10517/2005 has been filed by the Government.

7. In the reference 8th read above, the Govt. Pleader for Services-I Home Dept., High Court of A.P., Amaravati has informed that the said review application has been dismissed on 14.04.2022 and after dismissing the review application, the court insisted for compliance of the orders passed in WP No.10517/2005, dt.23.07.2020. The Hon'ble Court finally posted the contempt case on 06.05.2022.

8. Government, after careful examination of the matter, have decided to implement the orders of the Hon'ble High Court and to cancel the dismissal orders issued in vide G.O.Ms.No.46, Home (SC.A) Dept., dt. 24.02.2001 and also to release all the consequential benefits to the individual. Accordingly, Government hereby order to repeal the orders of dismissal against Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District issued vide G.O.Ms.No.46, Home (SC.A) Dept., dt. 24.02.2001. Consequently he shall be deemed to have been reinstated into service w.e.f 24.02.2001 i.e. from the date of dismissal. Govt. hereby direct to release all consequential benefits as per rules.

9. Government direct that under the provisions of FR 54, the period intervening from the date of suspension to the date of dismissal in respect of Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District shall be treated as not on duty.

10. The Director General of Police, AP, Mangalagiri shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri M.Mahaboob Basha, Constable, (f) Mahanandi PS, Kurnool District
through Director General of Police, AP, Mangalagiri.
The Director General of Police, AP, Mangalagiri
Copy to:
The Director General, ACB, AP, Vijayawada.
The Deputy Inspector General of Police, Kurnool Range, Kurnool.
The Superintendent of Police, Kurnool District, Kurnool.
The Pay and Accounts Officer, Vijayawada.
The Accountant General, AP, Vijayawada.
The Director of Treasuries and Accounts, AP, Vijayawada
The Government Pleader for Service-I, Home Dept.,
Hon'ble High Court of A.P., Amaravati.
SC/SF

//FORWARDED :: BY ORDER//

N. Satyanarayana
SECTION OFFICER